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REMARKS

Claims 1, 9, 13 and 15 are amended, Claims 4, 11, 12 and 14 are cancelled, and Claim 19 is added. Claims 1-3, 5-10, 13 and 15-19, as amended, remain in the application. No new matter is added by the amendments to the claims.

In the Office Action dated August 25, 2004, the Examiner objected to Claims 1 and 2 because of informalities. Applicant amended Claims 1 and 2 as suggested by the Examiner and also amended Claim 2 to correct typographical errors regarding the attachment points.

The Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,378,278 issued to Talbot. Regarding Claim 1, the Examiner stated that Talbot discloses the claimed invention including an adaptive saddle comprising: a saddle body 10 having a front attachment point and a rear attachment point, see Fig.4, for example; and a support assembly 212 releasably attached to the rear attachment point. Regarding Claim 2, the Examiner stated that Talbot further discloses a vertically extending support member 24 having a lower end and the lower end engaging one of the front and rear attachment points, see Figs. 4b and 4c, for example.

The Examiner rejected Claims 5, 11-13 and 18 under 35 U.S.C. § 103(a) as being obvious over Talbot. Regarding Claim 5, the Examiner stated that Talbot further discloses a headrest 22 attached to the support member 24. The Examiner also stated that Talbot discloses the claimed invention except for the headrest being adjustably attached. According to the Examiner, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adjustably attach the headrest, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

Regarding Claims 11 and 12, the Examiner stated that Talbot discloses the claimed invention as applied above with the headrest 22 being one body supporting device as claimed. Regarding Claim 13, the Examiner stated that Talbot discloses the claimed invention as applied above and that Talbot further discloses a pair of arm members 16 attached to and extending outwardly from the support member 24, in light of the obviousness rejection above. Regarding Claim 18, the Examiner referenced the rejection of Claim 5 in view of Claim 13 above.

The Examiner rejected Claim 3 under 35 U.S.C. § 103 as being unpatentable over Talbot in view of French Pat. Spec. No. 2 788 264. The Examiner stated that Talbot discloses the

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invention substantially as claimed as applied above and further discloses the support assembly adjustably mounted to the rear attachment point, as in Fig. 4a, for example, 74. The Examiner also admitted that Talbot does not disclose the support assembly comprising a trunk pad separate from the support assembly. The Examiner stated that the French patent teaches a trunk pad 26 separate from a support assembly 25 in the same field of endeavor for the purpose of supporting a rider. According to the Examiner, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Talbot to include the separate trunk pad as taught by the French patent in order to support a rider.

The Examiner stated that Claims 4, 6-10 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant amended Claim 1 to include the subject matter of cancelled Claim 4 and amended Claims 2 and 9 to conform with amended Claim 1. Applicant amended Claim 13 to include the subject matter of cancelled Claim 14 and amended Claim 15 to conform with amended Claim 13. Applicant added new Claim 19 which incorporates subject matter from original Claims 1, 2, 4, 6 and 7.

The Examiner also cited the U.S. Patent No. 1,213,364 issued to Peterson. Applicant has reviewed this reference and found it to be no more pertinent than the references relied upon by the Examiner in his rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.